

S/N 10/085,853

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	MEROT ET AL.	Examiner:	ROBERT A. WAX
Serial No.:	10/085,853	Group Art Unit:	1653
Filed:	OCTOBER 18, 2001	Docket No.:	14138.1USD1
Confirmation No.:	3281	Customer No.:	23552
Title:	METHOD FOR PRODUCING HEMIN PROTEINS USING PLANT CELLS, RESULTING PROTEINS AND PRODUCTS CONTAINING SAME		

CERTIFICATE UNDER 37 C.F.R. 1.8(b)

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on August 18, 2004.

By: 

Name: Sheryl A. Boerboom

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 08/983,564 filed on July 17, 1996.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a

reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
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(612) 332-5300

Date:

August 18, 2004

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PATENT TRADEMARK OFFICE

Date Mailed: August 18, 2004

Sheet 1 of 1

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 14138.1USD1	Application Number: 10/085,853
	Applicant: MEROT ET AL.	
	Filing Date: 10/18/2001	Group Art Unit: 1653

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,316,931	05/31/1994	Donsen et al.			
	5,959,187	09/28/1999	Bailey et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Koziel et al., <u>Plant Molecular Biology</u> , 32:393-405 (1996)
	Swanson et al., <u>Bio/Technology</u> , 10:557-559 (1992)
	Kumar, "Recombinant hemoglobins as blood substitutes: a biotechnology perspective", <u>Proceedings for the Society of Experimental Biology and Medicine</u> , 208:150-158 (1995)
	O'Donnell et al., "Influence of the chemical nature of side chain at B108 of hemoglobin A on the modulation of the oxygen affinity by chloride ions", <u>Journal of Biochemistry</u> , 269:27692-27699 (1994)

23552

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EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

*Substitute Disclosure Statement Form (PTO-1449)

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE